

REMARKS

The Office Action dated February 5, 2004 has been reviewed and carefully considered. Claims 1-12 are pending, of which claims 1 and 8-11 are the independent claims. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 2 and 8-11 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent 6,331,989 to Tezuka in view of U.S. Patent No. 6,052,384 to Huang et al. ("Huang").

Item 2 of the Office Action apparently suggests that the Tezuka IP packet described on lines 23-24 of column 3 convey an "auxiliary signal." Item 2 of the Office Action seems to suggest that Tezuka IP packet content make up a Huang variable-length time slot to thereby form the "variable length auxiliary signal" recited in claim 1 of the present invention.

Firstly, the applicant does not believe that the Tezuka IP packet can fairly be characterized as an auxiliary signal. Instead, the Tezuka IP packet appears to convey a payload of a conventional signal. The applicant fails to see how Huang discloses or suggests an auxiliary signal. It is, for at least this reason, unclear how the proposed Tezuka/Huang combination can properly be said to feature an auxiliary signal.

Moreover, Tezuka multiplexes a single bit from each incoming bitstream to form each time slot (col. 3, lines 49-51) thereby affording efficient operation in a high-speed circuit (col. 4, lines 65-67; col. 5, lines 6-10; col. 7, lines 4-7).

Huang statistical multiplexing, by contrast, dynamically varies time-slot length to meet the current actual needs of the channel (col. 4, lines 29-34).

There does not appear to be any way to implement Tezuka with the variable time-slot-length of Huang without changing the principle upon which Tezuka operates.

For at least the above reasons, claim 1 is not rendered obvious by the proposed combination of references. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 8-11 likewise recite a "variable-length auxiliary signal" and are deemed to patentably distinguish over the proposed combination.


The rejections of the dependent claims rely on U.S. Patent 6,529,528 to Park, U.S. Patent 6,233,251 to Kurobe et al. ("Kurobe"), but Park and Kurobe, alone or in combination, cannot compensate for the deficiencies in Tezuka and Huang.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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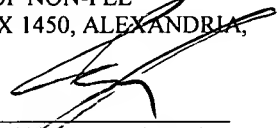
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